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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,827	05/25/2001	Douglas Simpson	ClaimsPlace	7658

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EXAMINER
KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
3626	

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09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/865,827	SIMPSON ET AL.
	Examiner	Art Unit	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,5-10,14-25,27,29-32 and 35-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3, 5-10, 14-25, 27, 29-32 and 35-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of the Application

1.   Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 have been examined in this application. This communication is a Final Office Action in response to the "Amendment" and "Remarks" filed on June 21, 2007.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear exactly what the term "self-service" in the independents entails. For the purposes of examination, the Office will broadly interpret this term as meaning that an insured is allowed to submit a claim via a computer system.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3, 5-10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view of US Patent Number 2002/0019754 to Peterson and in further view of "Automating

collision claims" (hereinafter referred to as Automating) and in even further view of "Personal

Progressive" (published on 4/6/99).

(A)   As per claims 3, Borghesi teaches a computer system for enabling claimants to

self-service insurance claims for sustained, the system comprising:

a site generating component for generating a site on a global computer network

for inputting insurance claims from a plurality of sources (Borghesi: Col. 5, Ln. 51-Col.

6, Ln. 14);

a claim data analyzing component for analyzing the inputted information and identifying

claimants vertifying insurance coverage and summarizing the claims based on the analyzing;

(Borghesi: Col. 13, Ln. 12-41);

Borghesi does not teach the following features which are taught by Peterson: 1) enabling

claimants to self-service insurance claims (Peterson: Section [0022]); 2) allowing claimants to

directly input the insurance claims (Peterson: Section [0022]) and 3) a claim rehabilitation

component (Peterson: Section [0050]).

At the time of the invention, it would have been obvious for one of ordinary skill in the

art to have modified the teachings of Borghesi with the aforementioned teachings from Peterson

with the motivation of having an automated means for processing claims, as recited in Peterson

(Section [0003]).

Middleman teaches a system which allows insureds access to services so that they can

self-service various insurance transactions. At the time of the invention, it would have been

obvious for one of ordinary skill in the art to have modified the teachings of Middleman so that

that the system of Middleman would have been able to allow claims to self-service their own

insurance claims with the motivation of having a means to reduce paperwork as well as administrative and sales costs, as recited in Middleman (Page 2, Paragraph 4).

The above references do not teach the following feature which is taught by Automating (Page 2, Paragraphs 1-2): a claim rehabilitation component aggregating services related to loss recovery and automatically providing the aggregated services to the claimants to rehabilitate the sustained losses in accordance with said analyzing. At the time of the invention, it would have been obvious for one of ordinary skill in the insurance industry to have modified Borghesi with the aforementioned teachings from Automated with the motivation of having a means of being able to save money when insurance claims are processed, as recited in Automated (Page 2, Paragraph 2).

The above references do not teach the following feature which is taught by Personal Progressive (Pages 1-2 and 9):

wherein, the site generating component, claim data analyzing component and claim rehabilitation component enable claimants to self-service the claims for the sustained losses using the aggregated services.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Borghesi in view of Middleman in view of Automating with the aforementioned teachings from Personal Progressive with the motivation of having a means of giving the insured information on the status of claims, as recited in Personal Progressive (Page 1: "Welcome to Your Claim Information System").

(B)   As per claim 5, in Borghesi the site is operative as an online claim reporting hub

that permits the claimants to report details of personal and commercial insurance claims

against any of a plurality of insurers (Borghesi: Figures 2-3 and Col. 5, Ln. 51-Col. 6, Ln.

5).

(D)   As per claim 6, in Borghesi the claimants include individuals and institutions

(Borghesi: Figures 2-3 and Col. 5, Ln. 51-Col. 6, Ln. 5).

(E)   As per claim 7, in Borghesi the input insurance claims are selected

from the group consisting of automobile claims, homeowners claims and business claims

(Borghesi: Col. 2, Ln. 32-37).

(F)   As per claim 8, in Borghesi the site generating component accepts inputs from the

global computer network and respond to site users graphically, in sound and in printable

forms (Borghesi: Col. 12, Ln. 59-61).

(G)   As per claim 9, in Borghesi the system provides substantially continuous network

claim service handling (Borghesi: Col. 5, Ln. 51-Col. 6, Ln. 5).

(H)   As per claim 10, in Borghesi the computer system further comprising a privacy

preserving component for preserving site users' privacy while online at the site (Borghesi:

Col. 15, Ln. 24-33).

(I)   As per claim 14, in Borghesi the computer system according to claim 3, wherein

the system is adapted to process claims processing without an agent, broker or an

insurance company (Borghesi: Figure 3 and Col. 5, Ln. 51-Col. 6, Ln. 5).

(J)   As per claim 15, in Borghesi the site is operative as an online consumer-to-business

exchange that permits vendors of goods and services to advertise and offer products that

individuals and businesses require to rehabilitate a loss (Borghesi: Col. 5, Ln. 5-50).

(K)   As per claim 25, this claim is substantially similar to claim 3 insofar as claim limitations

are concerned and is therefore rejected in the same manner as claim 3. (The only difference

between claim 3 and claim 25 is that claim 3 is directed towards a system while claim 25 is

directed towards a method).

(P)   As per claim 27, wherein the site is operative as an online claim reporting hub that

permits insurance claims to be put against any of a plurality of insurers at substantially

any time (Borghesi: Figures 2-3 and Col. 5, Ln. 51-Col. 6, Ln. 5).

(R)   As per claim 29, in Borghesi the insurance claims are selected from the group

consisting of automobile claims, homeowners claims and business claims (Borghesi: Col.

2, Ln. 32-37).

(S)   As per claim 30, in Borghesi the site generating step includes accepting inputs

from the global computer network and responding to site users graphically, in sound and

in printable forms (Borghesi: Col. 12, Ln. 59-61).

(T)   As per claim 31, in Borghesi the site generating step includes providing

substantially continuous network claim service handling (Borghesi: Col. 5, Ln. 51-Col. 6,

Ln. 5).

(U)   As per claim 32, Borghesi teaches further the step of preserving site users'

privacy while online at the site (Borghesi: Col. 15, Ln. 24-33).

(X)   As per claim 35, in Borghesi the site is operative as an online consumer-to-

business exchange that permits vendors of goods and services to advertise and offer

products that individuals and businesses require to rehabilitate a loss (Borghesi: Col. 5,

Ln. 5-50).

(Y)   As per claim 36, in Borghesi the aggregating step includes suggesting multiple vendors

and services for performing tasks and requirements associated with rehabilitating a claim

(Borghesi: Col. 5, Ln. 5-50).

6.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view

of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view of

Peterson and in further view of "Automating collision claims" (hereinafter referred to as

Automating) as applied to Claim 3 above in even further view of "Personal Progressive"

(published on 4/6/99) and in even further view of Progressive.com (March 1, 2000).

(A)   As per claim 16, Borghesi does not teach multiple vendors and services for performing

tasks and requirements associated with rehabilitating a claim, however, this feature is well

known in the art as evidenced by Progressive.com (Page 1). At the time of the invention, it

would have been obvious for one of ordinary skill in the art to have modified the system of

Borghesi and add the aforementioned feature from Progressive.com with the motivation of

providing a user with a means of comparing insurance policies before making a purchase, as

recited in Progressive.com (Page 1).

7.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view

of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view of

Peterson and in further view of "Automating collision claims" (hereinafter referred to as

Automating) in even further view of "Personal Progressive" (published on 4/6/99), as applied to

Claim 3, above, and in even further view of US Patent Number 5,704,045 to King.

(A)   As per claim 17, Borghesi does not teach that the site is operative as an online business-

to-business exchange where sellers, market makers and investors transact for wholesale claims,

post-accident purchase and sale of tranches of risk obligations, and subrogation rights, however,

this feature is well-known in the art as evidenced by King (Col. 14, Ln. 42-58). At the time of

the invention, one of ordinary skill it would have been obvious for one of ordinary skill in the art

to have modified the system of Borghesi with the aforementioned feature from King with the

motivation of providing a means for investors to provide funds to support risk, as recited in King

(Col. 14, Ln. 42-45).

8.   Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Borghesi in view of "Cutting Out the Middleman" (hereinafter referred to as Middleman)

and in further view of Peterson and in further view of "Automating collision claims"

(hereinafter referred to as Automating) in even further view of "Personal Progressive" (published

on 4/6/99) in view of King as applied to Claim 17 above and in further view of US Patent

Number 5,655,085 to Ryan.

(A)   As per claims 18-19, Borghesi in view of King does not teach an automatic claim scoring

and valuing component for automatically scoring a claim to determine the likelihood of recovery

and valuing a claim. Borghesi in view of King also does not teach the feature whereby the

automatic claim scoring and valuing component values a claim's subrogation value by reviewing

criteria including accident description, loss state, and responsible party and then assigns a

subrogation value to the claim; however, the aforementioned features are well known in the art

as evidenced by Ryan (Col. 1, Ln. 38-51). At the time of the invention, it would have been

obvious for one of ordinary skill in the art to have modified the combined system of Borghesi in

view of King with the aforementioned teachings from Ryan with the motivation of providing a

means for the subrogation rights purchasers to automatically determine which product provides

the best value, as recited in Ryan (Col. 1, Ln. 45-49).

9.   Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in

view of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view

of Peterson and in further view of "Automating collision claims" (hereinafter referred to as

Automating) in even further view of "Personal Progressive" (published on 4/6/99). in view of

King and Ryan as applied to Claim 19 above and in further view of US Patent Number 5,307,262

to Ertel.

(A)   As per claims 20-21, the combined system of Borghesi in view of King and Ryan do not

teach a claim bundling component that bundles the scored and claimed values into a group of

claims that have commonality to the claim. The combined system of Borghesi in view of King

and Ryan also does not teach a sale price determining component for determining a sale price for

the bundled group of claims, however, the aforementioned features are well known in the art as

evidenced by Ertel (Col. 5, Ln. 20-39 and Col. 29, Ln. 11-48). At the time of the invention, it

would have been obvious for one of ordinary skill in the art to have modified the combined

system of Borghesi in view of King and Ryan with the aforementioned feature from Ertel with

the motivation of facilitating the generation of a wide variety of useful summary reports, as

recited in Ertel (Col. 29, Ln. 25-28).

10.   Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in

view of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view

of Peterson and in further view of "Automating collision claims" (hereinafter referred to as

Automating) in even further view of "Personal Progressive" (published on 4/6/99) as applied to

Claim 3 above and in further view of US Patent Number 6,453,297 to Burks.

(A)   Borghesi does not teach a database which permits selected users to search for similar

Claims (identify data patterns), thereby enabling the selected users to identify potential claims

which are likely to develop as class action suits or mass tort claims. Borghesi also does not teach

an identity concealment component (generic data format) for concealing the identities of

claimants of the claims when searching for similar claims in the database, however, the

aforementioned features are well known in the art as evidenced by Burks (Col. 16, Ln. 34-46).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to

have modified the system of Borghesi with the aforementioned feature from Burks with the

motivation of providing a user with a means of containing insurance costs, as recited in Burks

(Col. 16, Ln. 42-45).

11.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined

system of Borghesi in view of "Cutting Out the Middleman" (hereinafter referred to as

Middleman) and in further view of Peterson and in further view of "Automating collision

claims" (hereinafter referred to as Automating) in even further view of "Personal Progressive"

(published on 4/6/99) in view of Burks and in further view of Ertel.

(A)   The combined system of Borghesi in view of Burks also does not teach a sale price

determining component for determining a sale price for the bundled group of claims, however,

the aforementioned features are well known in the art as evidenced by Ertel (Col. 5, Ln. 20-39

and Col. 29, Ln. 11-48). At the time of the invention, it would have been obvious for one of

ordinary skill in the art to have modified the combined system of Borghesi in view of King and

Ryan with the aforementioned feature from Ertel with the motivation of facilitating the

generation of a wide variety of useful summary reports, as recited in Ertel (Col. 29, Ln. 25-28).

12.   Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view

of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view of

Peterson and in further view of "Automating collision claims" (hereinafter referred to as

Automating) in even further view of "Personal Progressive" (published on 4/6/99) as applied to

Claim 25 above and in further view of US Patent Number 5,704,045 to King.

(A)   As per claim 37, Borghesi does not teach that the site is operative as an online business-

to-business exchange where sellers, market makers and investors transact for wholesale claims,

post-accident purchase and sale of tranches of risk obligations, and subrogation rights, however,

this feature is well-known in the art as evidenced by King (Col. 14, Ln. 42-58). At the time of

the invention, one of ordinary skill it would have been obvious for one of ordinary skill in the art

to have modified the method of Borghesi with the aforementioned feature from King with the

motivation of providing a means for investors to provide funds to support risk, as recited in King

(Col. 14, Ln. 42-45).

13.   Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in

view of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in further view

of Peterson and in further view of "Automating collision claims" (hereinafter referred to as

Automating) in even further view of "Personal Progressive" (published on 4/6/99) in view of

King as applied to Claim 37 above and in further view of US Patent Number 5,655,085 to Ryan.

(A)   As per claims 38-39, Borghesi in view of King does not teach an automatic claim scoring

and valuing component for automatically scoring a claim to determine the likelihood of recovery

and valuing a claim. Borghesi in view of King also does not teach the feature whereby the

automatic claim scoring and valuing component values a claim's subrogation value by reviewing

criteria including accident description, loss state, and responsible party and then assigns a

subrogation value to the claim; however, the aforementioned features are well known in the art

as evidenced by Ryan (Col. 1, Ln. 38-51). At the time of the invention, it would have been

obvious for one of ordinary skill in the art to have modified the combined method of Borghesi in

view of King with the aforementioned teachings from Ryan with the motivation of providing a

means for the subrogation rights purchasers to automatically determine which product provides

the best value, as recited in Ryan (Col. 1, Ln. 45-49).

14.   Claims 40-44 are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over

Borghesi in view of "Cutting Out the Middleman" (hereinafter referred to as Middleman) and in

further view of Peterson and in further view of "Automating collision claims" (hereinafter

referred to as Automating) in even further view of "Personal Progressive" (published on 4/6/99)

in view of King and Ryan as applied to Claim 39 above and in further view of US Patent

Number 5,307,262 to Ertel.

(A)   As per claims 40-44, the combined system of Borghesi in view of King and Ryan do not

teach a claim bundling component that bundles the scored and claimed values into a group of

claims that have commonality to the claim. The combined method of Borghesi in view of King

and Ryan does not teach a sale price determining component for determining a sale price for the

bundled group of claims. The combined method of Borghesi in view of King and Ryan does not

teach a step of providing a database and permitting selected users to search for similar claims,

thereby enabling the selected users to identify potential claims which are likely to develop as

class action suits or mass tort claims. The combined method of Borghesi in view of King and

Ryan also does not teach the step of concealing the identities of the claimants of the claims

during the claim searching step nor the step of pooling common issues into anonymous class

action groups, however, the aforementioned features are well known in the art as evidenced by

Ertel (Col. 5, Ln. 20-39 and Col. 29, Ln. 11-48). At the time of the invention, it

would have been obvious for one of ordinary skill in the art to have modified the combined

method of Borghesi in view of King and Ryan with the aforementioned feature from Ertel with

the motivation of facilitating the generation of a wide variety of useful summary reports, as

recited in Ertel (Col. 29, Ln. 25-28).

Response to Arguments

15.   Applicant's arguments with respect to the pending claims filed on January 3, 2007 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

17.   Any inquire concerning this communication or earlier communications from the

examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109.

The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's

supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for

this group are either (571) 273-8300 or (703) 872-9326 (for official communications including
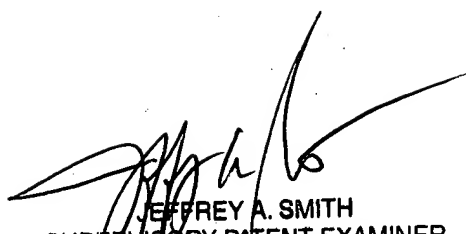
After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information

Retrieval (PAIR). Information regarding the status of an application can be obtained from the

(PAIR) system. Status information for published applications may be obtained from either

Private PAIR or Public PAX. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel

free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

9/13/2007

JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600